

REMARKS

Claims 1-7 are pending in this application. Upon entry of this amendment, claims 1-10 will be pending, claim 1 having been amended and claims 8-10 added. Claim 1 has been amended for clarification. Support for new claims 8-10 may be found in the specification, paragraphs [0041]-[0045], and FIG. 1, for example. Accordingly, there are no issues of new matter.

Applicants thank Examiners Toth and Marmor for the courtesies extended to the undersigned, Applicants' representative, during the telephone interview on September 26, 2007, in which the claim objection and 35 USC 102 and 103 rejections were discussed. Examiner Toth agreed that the amendment proposed by Applicants' representative to clarify the objected-to claim language would overcome the objection. Examiner Toth also agreed that, subject to an additional prior art search, the claims distinguish over O'Sullivan, the cited primary reference, in light of Applicants' representative's comments which are repeated below.

Claim 1 stands objected to regarding the phrase "is contained on." As agreed to by the Examiner, claim 1 has been amended to replace the objected-to language with "is disposed in." Withdrawal of the objection is therefore requested.

Claim 1 stands rejected under 35 USC 102(b) as being anticipated by O'Sullivan (US 5,494,043). Claims 2-5 stand rejected under 35 USC 103(a) as unpatentable over O'Sullivan in view of Yamasawa (US 4,844,084). Claims 6 and 7 stand rejected under 35 USC 103(a) as unpatentable over O'Sullivan in view of Yamasawa in further view of Hashimoto (USPA 2004/0010199). Applicants traverse the rejections.

Claim 1 as amended recites a pulse wave measuring apparatus comprising, *inter alia*, a fixing stand adapted to fix a living organism in position and a pressure part control unit to control a pressure part, where the control unit is disposed in the fixing stand.

O'Sullivan does not disclose or suggest Applicants' claimed apparatus, in particular, the pressure part control unit that is disposed in the fixing stand. Rather, O'Sullivan discloses an

electronics module 60 that is separate from, not disposed in, a wrist stabilizer 50. The electronics module 60 controls the pressure in an air bubble 30 to hold a sensor 10 in contact with a user's wrist strapped to the stabilizer 50. Nowhere in O'Sullivan does it disclose or suggest that the module 60 is disposed in the stabilizer 50.

Moreover, O'Sullivan arguably teaches away from having the pressure part control unit disposed in the fixing stand. For example, O'Sullivan's Figure 6 shows an electrical cable 76 leading away from the electronics module 60. This strongly suggests that O'Sullivan's electronics module 60 is not disposed in the wrist stabilizer 50. Another example is found in Figure 5, which shows an air tube 32 leading away from the wrist stabilizer 50. For O'Sullivan's electronics module 60 to control the air bubble 30, it must at some point connect with the air tube 32. This also strongly suggests that the electronics module 60 is not disposed in the wrist stabilizer 50, as required in claim 1.

Since O'Sullivan fails to teach every element of claim 1, O'Sullivan fails to anticipate claim 1. Thus, claim 1 is patentable over O'Sullivan. Withdrawal of this rejection is therefore requested.

This logic also disposes of the rejections of claims 2-7, which depend directly or indirectly from claim 1. Since the rejections under 35 USC 103(a) also rely on O'Sullivan, they should be withdrawn as well because O'Sullivan does not provide the teachings for which it is cited.

Finally, even if the resulting combinations of O'Sullivan, Yamasawa, and Hashimoto suggested by the Examiner included all the limitations of claims 2-7, there would be no reason to combine their disclosures so as to arrive at Applicants' claimed apparatus. Thus, claims 2-7 are patentable over the cited references. Withdrawal of the rejections is therefore requested.

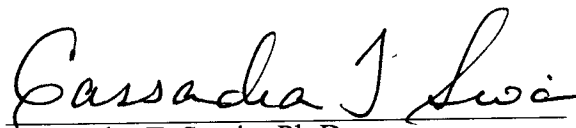
New claims 8-10 are also patentable over the cited references at least by virtue of their dependency directly or indirectly from claim 1.

In view of the above, each of the claims in this application is in immediate condition for allowance. Applicants solicit early action in the form of a Notice of Allowance.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **163852020600**.

Respectfully submitted,

Dated: October 3, 2007

By: 
Cassandra T. Swain, Ph.D.
Registration No. 48,361

Morrison & Foerster ^{LLP}
1650 Tysons Boulevard, Suite 300
McLean, Virginia 22102
Telephone: (703) 760-7796
Facsimile: (703) 760-7777